

# Wetlands Bureau Decision Report

Decisions Taken  
11/03/2003 to 11/07/2003

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2001-02497                      STEINSKY LAND DEV LLC**  
**MOULTONBOROUGH   Unnamed Wetland**

### Requested Action:

Dredge and fill 8139 square feet of forested wetland including installation of two culverts for the construction of an access road in the subdivision of approximately 70 acres into 17 single family residential lots and one common land lot.

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### Conservation Commission/Staff Comments:

Con Com requested a hold on the permit until they had a chance to conduct a field review, however, their letter was received after the 14 day period from when the Tax Collector signed the application.

Inspection Date: 01/25/2002 by Doug W Cygan

### APPROVE RECONSIDERATION:

Dredge and fill 8139 square feet of forested wetland including installation of two culverts for the construction of an access road in the subdivision of approximately 70 acres into 17 single family residential lots and one common land lot.

### With Conditions:

1. All work shall be in accordance with plans by Hambrook Land Surveying dated March 2002 and revised through September 26, 2003, as received by the Department on September 30, 2003
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
12. All work within flowing streams shall be conducted in the dry using a dam and flume or dam and pump method.
13. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
18. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall

be avoided.

19. Proper headwalls shall be constructed within seven days of culvert installation.
20. Culvert outlets shall be properly rip rapped.
21. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
24. Silt fencing must be removed once the area is stabilized.
25. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On April 3, 2003, DES inspected the proposed project site and found that the wetlands appear to be less profuse in the area of the proposed roadway construction, then in other alternative locations.
6. The applicant's new plans incorporate the comments of DES and relocate crossings to be the least impacting alternatives.
7. The applicant has provided topography over the entire site as required by Administrative Rule Wt 304.09(a).

**2003-01458                      EXETER COOPERATIVE SCHOOL DISTRICT, SAU #16**  
**EXETER    Unnamed Wetland**

Requested Action:

Fill a total of 188,891 sq. ft., or 4.33 of freshwater wetlands, as well as upland work adjacent to prime wetlands, to construct a new 2,000 student regional high school with associated athletic fields and parking on an 118.3 acre former horse farm race stable site on Old Town Farm Rd., Exeter and associated mitigation consisting of preservation of 45.75 acres on site, of which 26.7 acres are wetlands, including all designated prime wetlands on the property, and 19.05 acres is upland buffer habitat, all associated with the Fresh River system. Off-site mitigation consists of 36 acres at the Linden St. existing high school site, encompassing the Little River prime wetlands and its associated wetlands and uplands. The applicant further proposes to construct two vernal pools on-site to replace the vernal pool to be impacted; as well as conduct wetland construction and restoration at the Linden St. site, to improve the quality of the wetlands. This shall be designed in coordination with local, state and federal agencies.

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Conservation Commission/Staff Comments:

Con. Com. intervened and provided comments.

Inspection Date: 09/25/2003 by Dori A Wiggin

Inspection Date: 09/25/2003 by Christina Altimari

APPROVE PERMIT:

Fill a total of 188,891 sq. ft., or 4.33 of freshwater wetlands, as well as upland work adjacent to prime wetlands, to construct a new 2,000 student regional high school with associated athletic fields and parking on an 118.3 acre former horse farm race stable site on Old Town Farm Rd., Exeter and associated mitigation consisting of preservation of 45.75 acres on site, of which 26.7 acres are wetlands, including all designated prime wetlands on the property, and 19.05 acres is upland buffer habitat, all associated with the

Fresh River system. Off-site mitigation consists of 36 acres at the Linden St. existing high school site, encompassing the Little River prime wetlands and its associated wetlands and uplands. The applicant further proposes to construct two vernal pools on-site to replace the vernal pool to be impacted; as well as conduct wetland construction and restoration at the Linden St. site, to improve the quality of the wetlands. This shall be designed in coordination with local, state and federal agencies.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering, Inc. dated June 26, 2003, as received by the Department on July 11, 2003.
2. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Portsmouth, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. This permit is contingent upon DES' receipt of a final project plan showing one main access to the property, through the property currently owned by Frank and Linda Pickard.
5. The permittee, as agreed, shall relinquish permit #2001-392 for filling 4,987 sq. ft. for ballfield construction in Kensington, which longer needed.
6. This permit is contingent upon the submission to and approval by DES of vernal pool and wetland construction and restoration plans for the areas included in the conservation easements, which are proposed as mitigation.
7. This permit is contingent upon the submission to and approval by DES of a vernal pool and wetland construction and restoration monitoring plan.
8. This permit is contingent upon the submission to and approval by DES of a wetland buffer planting plan for the areas on the property where roadways or parking areas directly abut wetlands.
9. The details of all construction and restoration plans shall be developed in coordination with DES, the Exeter Conservation Commission, ACOE, EPA, and USFWS.
10. A copy of the finalized turf management plan shall be submitted to DES.
11. This permit is contingent on approval or sign off by the DES Dam Safety Program.
12. Prior to installation of irrigation systems, pump test results shall be submitted to DES to demonstrate that there shall be no draw down or other negative impacts to wetlands or prime wetlands associated with the withdrawal. If it is found that withdrawal has the potential to cause negative wetlands impact, then the permittee shall adjust its water needs and usage accordingly to avoid to prevent those impacts from occurring.
13. This permit is contingent on approval or other authorization by the DES Site Specific Program.
14. This permit is contingent on approval by the DES Subsurface Systems Bureau.
15. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
16. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
17. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
18. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
20. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trenches dewatering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
21. The permittee shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland.
22. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

24. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

25. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

26. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

27. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

#### Land Resources Preservation:

28. This permit is contingent upon removal by the permittee of all unauthorized structures and accumulated trash in and adjacent to the Little River and its wetlands at the Linden St. property. The permit is further contingent upon creation and compliance with a yearly clean-up and maintenance program to maintain the portion of the Little River and its wetlands on the school property in a waste-free condition. The permittee shall notify DES on a yearly basis with documentation showing that the yearly clean-up has been done to the satisfaction of DES.

29. This permit is contingent upon demonstration by the Applicant that the Exeter Conservation Commission (or other appropriate town or suitable entity) is willing to accept the conservation easement deeds.

30. This permit is contingent upon the execution of a conservation easement on 81.75 acres, consisting of 45.75 acres on site and, and 36 acres off-site on Linden Street, as depicted on plans received July 11, 2003.

31. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

32. Final conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval. 33. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office, and a copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.

34. The applicant shall submit seasonal monitoring reports monitoring the health of the wetlands construction and restoration areas over a period of 5 years post-development to ensure that the created vernal pool is functioning at the same or better level of function as the existing vernal pool on-site.

35. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

36. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.

37. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

38. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### Wetland Construction and Restoration:

39. The details of all construction and restoration plans shall be developed in coordination with DES, the Exeter Conservation Commission, ACE, EPA, and USFWS.

40. The schedule for vernal pool and wetland construction and restoration within the conservation easement areas shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

41. Wetland creation and restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

42. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

43. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.

44. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for

completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in five years following the completion of each mitigation site.

45. Wetland (creation/restoration) areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

46. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

47. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

48. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

#### With Findings:

1. On 6/26/98 the Department of Environmental Services ("DES") Wetlands Bureau received an application from the Exeter Regional Cooperative School District, SAU 16, to fill 72,280 sq. ft. (1.66 acres) of wetlands contiguous with the Little River Prime wetlands, to construct six ball fields at the Exeter High School on Linden St., Exeter. The ball fields were proposed for the land on the south side of the Little River from the high school.

2. The Exeter Regional Cooperative School District, ("SAU 16"), represents six seacoast towns: Exeter, Stratham, Newfields, Brentwood, Kensington, and East Kingston.

3. The Little River wetlands are ranked as the #3 highest value of Exeter's designated prime wetlands, and contains the NH Natural Heritage Inventory ("NHI") listed species robust knotweed (*polygoneum robustis*).

4. In Spring 1999, SAU 16 conducted a "future search" relative to high school improvements necessary to meet accreditation. It was determined that no sufficient alternative sites for new construction existed, and that reconstruction and expansion of the existing facility at Linden St. was the only option.

5. In 2000, SAU 16 submitted revised plans to DES reducing the proposed impacts from 72,280 sq. ft. to 41,627 sq. ft. for construction of the ball fields in association with high school reconstruction / expansion and displacement of existing athletic fields, as well as a fields analysis which indicated that additional off-site fields would also be needed to meet the current athletic needs of the school.

6. On 3/8/01 DES received an application, file 2001-392, to fill a total of 4,987 sq. ft. of wetlands for additional off-site athletic field construction in Kensington in effort to address the program needs of the school.

7. On 12/19/00 DES held a prime wetlands public hearing on the request to fill 41,627 sq. ft. for ball field construction in and adjacent to the Little River wetlands under file 98-1143. The hearing record was held open until 6/1/01 to view the site under spring flood conditions to evaluate serious flooding concerns of the site documented by abutters.

8. On 12/6/01 DES met with representatives of SAU 16 to discuss dealing comprehensively with the high school expansion impacts on both sides of the Little River prime wetlands including further reductions of impacts for the ball field proposal on the south side, and the impacts in uplands adjacent to prime wetlands associated with reconstruction and expansion of the high school itself on the north side of the river.

9. On 3/13/02 DES received revisions to 98-1143 reducing the impacts for ball field construction to 19,083 sq. ft.

10. On 3/15/02 DES received application 2002-492 to reconstruct and expand the high school and relocate parking and athletic fields at the existing Linden St. high school site in the uplands adjacent to the Little River prime wetlands on its north side.

11. On 5/2/02 DES approved permit 2001-392 to SAU 16 to fill a total of 4,987 sq. ft. of wetlands for driveway construction and isolated wetlands fill for off-site ball field construction at the property in Kensington.

12. On 6/11/02 DES conducted consecutive prime wetlands public hearings on the 98-1143 ball field application revisions and the 2002-492 high school expansion application.

13. On 4/7/03, at the request of SAU 16, DES, Army Corps of Engineers, EPA, US Fish and Wildlife Service agencies met with representatives of SAU 16 for pre-application review of potential construction of an entirely new high school facility on a site, Old Town Farm Rd., Exeter, which had become available since the previous public hearings held for the Linden St. site.

14. In Spring 2003 ballot vote by the communities of SAU 16 ("the applicant") to acquire the Old Town Farm Rd. property for construction of a new high school facility passed by 78%, demonstrating overwhelming public support for the project.

15. On 7/11/03 DES received the current application, 2003-1458, from SAU 16 to fill a total of 188,891 sq. ft., or 4.33 of freshwater wetlands, as well as upland work adjacent to prime wetlands, to construct a new 2,000 student regional high school with associated athletic fields and parking on an 118.3 acre former horse farm race stable site on Old Town Farm Rd., Exeter.

16. This project is classified as a major impact project per Wt. 302.02(c), projects that involve alteration of non-tidal wetlands in excess of 20,000 square feet, and per Wt. 302.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.

17. The new school will replace the current facility located on Linden St. The current application, 2003-1458, replaces pending applications 98-1143, and 2002-492, and the SAU will relinquish permit 2001-392 for the ball field to be constructed in Kensington.

18. The new facility will support 2,000 student projected enrollment at a size that meets accreditation standards set by the New England Association for Schools, and size guidelines set by the state of NH, thereby demonstrating need as required per Wt 302.01(b) and Wt 302.04(a)(1). The size proposed by the applicant is the minimum to meet these requirements: five other recently constructed high schools have been built 10-20% larger for similar enrollments.

19. The wetlands to be directly impacted consist of palustrine shrub/scrub, forested, or wet meadow wetlands, with one vernal pool. Approximately half are isolated wetlands, some of which are degraded or artificially created as a result of construction of a racehorse training track. The impacts to non-isolated wetlands are confined to the lower functioning upper limits in those systems. The wetlands are in the vicinity of a portion of Exeter's designated prime wetlands; however no impact is proposed for the prime wetlands.

20. Mitigation proposed for this application consists of preservation of 45.75 acres on site, of which 26.7 acres are wetlands, including all designated prime wetlands on the property, and 19.05 acres is upland buffer habitat, all associated with the Fresh River system. Off-site mitigation consists of 36 acres at the Linden St. existing high school site, encompassing 11.7 acres of the Little River prime wetlands and its associated wetlands, and 24.3 acres of uplands, which were the subject of prior applications 98-1143 and 2002-492. The applicant further proposes to construct two vernal pools on-site to replace the vernal pool to be impacted; as well as conduct wetland construction and restoration at the Linden St. site, to improve the quality of the wetlands. This shall be designed in coordination with local, state and federal agencies.

21. On May 29, 2003, DES received a letter from the Exeter Conservation Commission requesting several aspects of the project be further analyzed before a permit was to be issued by DES.

22. On July 14, 2003 DES acknowledged to the applicant, their agent, and the Exeter Conservation Commission receipt of the application.

23. On July 14, 2003, DES received a letter from the Exeter Conservation Commission intervening on the application.

24. On June 10, 2003, DES received a response from the Applicant's environmental consultant, West Environmental, Inc., to the Exeter Conservation Commission's letter received May 29, 2003.

25. On June 13, 2003, DES received a request from West Environmental, Inc. on behalf of the Applicant for a determination for work related to well installation greater than 200 feet from a prime wetland. Well installation was necessary to determine if a viable water supply exists on-site for the proposed school.

26. On June 30, 2003, DES issued a determination that the installation of the water supply test wells, to be located in the uplands and over 200 feet from the designated prime wetlands, did not require a permit.

27. On July 25, 2003, DES received a letter from Frank & Lois Burns, residents within the vicinity of the proposed site, expressing objection to the proposed construction of a 2,000-student regional high school on the property.

28. On July 31, 2003, DES received a letter from Jeff Gallant, a resident within the vicinity of the proposed site, expressing his concerns with the proposed construction of a 2,000-student regional high school on the property.

29. On August 1, 2003, DES received a memo from the New Hampshire Fish and Game Department (NHF&G) stating that there are no records within the Fish and Game database of any rare or sensitive wildlife species in the vicinity of the proposed project location.

30. On August 8, 2003, DES conducted a prime wetlands public hearing for the proposed project.

31. On August 11, 2003, DES received a letter from Anthony Callendrello, addressed to the Exeter Conservation Commission, expressing several concerns with the proposed construction of a 2,000-student regional high school on the property.

32. On August 18, 2003, DES received a letter from the Exeter Conservation Commission stating that they have "no objection" to the application assuming that a list of ten provided concerns was satisfied by the applicant.

33. On August 25, 2003, DES received a letter from Sylvia von Aulock, Exeter Town Planner, expressing several concerns with the proposed project, and providing 10 suggestions that incorporated site design changes.

34. On August 25, 2003, DES received an email from Mark Kern, United States Environmental Protection Agency (EPA), expressing EPA's concerns with the proposed project.

35. On August 28 2003, DES received a letter from the Exeter Conservation Commission stating its final three concerns with the

proposed project.

36. On September 15, 2003, DES received a letter from West Environmental, Inc., on behalf of the applicant, providing a detailed response to each of the above-referenced letters of concern.

37. On September 15, 2003, DES received from R.W. Gillespie & Associates, Inc., the Applicant's Geotechnical Engineering Firm, results and an evaluation of a Bedrock Water Supply Test performed on the proposed site location.

38. On September 25, 2003 DES conducted a field inspection of the proposed project location, which verified the accuracy of the delineation and site representations made by the applicant.

39. On September 29, 2003, DES received a letter from Phyllis Wentworth, a resident within the vicinity of the proposed site, expressing objection to the proposed construction of a 2,000-student regional high school on the property.

40. On October 3, 2003, DES received a second letter from Ms. von Aulock, Exeter Town Planner, providing her response to West Environmental, Inc.'s letter received by DES on September 15, 2003, and expressing her remaining concerns with the proposed project.

41. On October 3, 2003, DES received a letter from Mr. Callendrello, providing his response to West Environmental, Inc.'s letter and the Water Supply Test results, both received by DES on September 15, 2003, and expressing his remaining concerns with the proposed project.

42. On October 6, 2003, DES received a memo from Michael Marchand of NHF&G stating NHF&G's concerns with the proposed project.

43. The issues raised or requests made through the above referenced correspondences include:

- a. eliminate impacts to non-isolated wetlands on-site;
- b. use of option 1 for access via the Pickard property off of Route 27, is preferred over option 2, via the Exeter United Methodist Church off of Route 27;
- c. independent review of the drainage analysis and calculations, proposed detention ponds, catch basins, sumps, treatment swales, and storm water maintenance plans;
- d. utilization of wet ponds and subsurface retention systems;
- e. reduction in the amount of proposed impervious surface;
- f. finalized turf management plan be submitted before DES issues a decision, and that the turf management plan employ methods to reduce water and fertilizer use on-site;
- g. details of the proposed on-site mitigation efforts, and to the location of where on-site the vernal pool creation will take place;
- h. details of the proposed off-site mitigation efforts;
- i. submission of a finalized monitoring plan for three phases of construction, before during, and after to be continued after completion of the project on a semi-annual basis, and should cover water quality, plant community diversity, plant health, invasive species, and soil data;
- j. Bedrock Water Supply Test and analysis is incomplete, as it does not include an athletic field irrigation well draw down results and assessment, and rainfall during the draw down test for the water supply wells yielded inaccurate results;
- k. installation of groundwater monitoring wells to assess post-construction groundwater quantity and quality;
- l. mitigation include restrictions to allow for passive recreation;
- m. Natural Resources Study for both wetlands and uplands on-site which should address the Applicant's intention on how the land, air quality, soils, vegetation, mineral deposits, water, wildlife, and wildlife habitat resources are to be maintained, protected, or impacted;
- n. the wildlife impact report lacks discussion and detail;
- o. reduction, relocation, and combination of the proposed track, stadium, and athletic fields to reduce wetland impacts and impacts to vernal pool;
- p. construction of retaining walls and planted wetland buffers to reduce and minimize impacts to wetlands;
- q. reduction of parking, and the inclusion of seasonal parking;
- r. off-site alternatives analysis - question if alternative sites exist that are more appropriate;
- s. increase the buffers to neighboring properties on Old Town Farm Road;
- t. construction sequence timing as required per wt 501.02(5) is missing;
- u. Applicant has overstated their needs in the site requirements;
- v. budget constraints should not be accepted by DES as an excuse for failing to avoid and minimize wetland impacts; and
- w. NHF&G agreed that the most functionally important wetlands on-site have been prioritized for avoidance of impacts, with the exception of W-11 and its vernal pool. However, NHF&G stated that the creation of vernal pools on the property away from the concentrated development would be more successful than developing around the existing vernal pool.

44. In response to the issues raised through the above referenced correspondences, DES finds the following:

- a. In response to the request to reduce, relocate, and combine the proposed track, stadium, and athletic fields in order to reduce



wetland impacts, and impacts to the existing vernal pool on-site, and eliminate impacts to isolated wetlands: DES finds that the applicant has focused on concentrating all wetland impacts so as to avoid fragmentation of the wetland systems by impacting non-isolated wetlands at the upper limits of the wetland systems, minimizes direct impacts to the site's higher functioning wetlands, and avoids impacts to the designated prime wetlands and their buffers. While direct impacts to the existing vernal pool may be avoided by site reconfiguration, without the preservation of a significant buffer and an unfragmented natural corridor between the vernal pool and the closest prime wetland, this would be illogical as the vernal pool would become an isolated pocket, and would not retain its existing level of function and value.

b. DES permit approval includes access to the parcel only from the Pickard property based on the fact that it requires less direct wetland impact than the access from the Exeter United Methodist Church. Mr. & Mrs. Pickard have provided the applicant with written approval to file the application for the impacts proposed for their property.

c. Concerns relative to the drainage analysis and protection of water quality, including stormwater treatment and maintenance plans; the amount of impervious surface on-site; the proposed detention ponds, catch basins, sumps, and treatment swales; and the incorporation of wet ponds and subsurface retention systems have been addressed through the DES Water Quality Engineering review process, as regulated by RSA 485-A.

d. While the DES Wetlands Bureau does not regulate fertilizer use in upland areas, the applicant will submit a finalized Turf Management Plan, which will include the use of state of the art organic fertilizers.

e. DES permit approval is contingent upon the applicant's submission of a final wetland mitigation plan inclusive of on-site vernal pool construction and off-site wetland construction and restoration plans. Also proposed by the applicant as mitigation are a total of 81.75 acres to be put into conservation easements. On-site, 45.75 acres will be put into conservation easement and 36 acres off-site. Areas put into conservation easement preserve large buffer areas to both the Fresh and Little Rivers prime wetlands, and will via registered deed, include allowances for passive recreational activities.

f. DES permit approval is also contingent upon the applicant's submission of a final monitoring plan, which is required for the wetland mitigation areas only.

g. The applicant has submitted a Bedrock Water Supply Test and Analysis, with results indicating minimal stress on the bedrock aquifer while pumping at yields of at least 30 gallons per minute, an average expected rate of use for the proposed 2,000-student school. Test results conclude that dewatering and flooding of nearby wetland hydrology is not anticipated, as an aquitard, or a layer of rock having low permeability that stores groundwater but delays its flow, exists between the perched groundwater table and deeper aquifers. The methodology factored in the rainfall issue raised, and found it to be irrelevant to the overall results. Test results also conclude that there will be no influences on groundwater beyond the limits of the property, and that the proposed high school will therefore have no effect on nearby residential wells, inclusive of the nearest residential well, which exists approximately 3,000 feet to the east. DES Wetlands Bureau does not have the authority to require that the applicant install post-construction monitoring wells for the purpose of measuring groundwater quantity with respect to withdrawal and residential well yield. In regards to smaller irrigation wells on site, the applicant shall comply with all State and Federal requirements for public water supply wells, and shall demonstrate to DES through pump testing that proposed irrigation wells will not have a detrimental effect on associated wetlands.

h. In response to the request for a Natural Resources Study for both wetlands and uplands on-site that should address the following the applicant's intention on how the land, air quality, soils, vegetation, mineral deposits, water, wildlife, and wildlife habitat resources are to be maintained, protected, or impacted; and to the suggestion that the wildlife impact report lacks discussion and detail: DES Wetlands Bureau jurisdiction covers direct impacts on freshwater wetlands, and to the buffers of those wetlands that are designated as prime wetlands. Applicant submitted with the application, a wetlands assessment for all 38 wetlands on the property, which includes detailed descriptions of the functions and values and a photographic documentation for each individual wetland. The applicant has also submitted an upland plant community analysis and a wildlife habitat assessment which identifies the communities that will be impacted, and further identifies higher versus lower quality areas. DES finds that these documents adequately address the considerations for these elements as required by Wt 302.04 (a).

i. Where it is not feasible for the applicant to construct retaining walls, the applicant has proposed to plant vegetative buffers in the areas where roadways and parking lots will directly abut wetlands on the property. The applicant shall submit a final vegetative planting plan for these areas, which shall include both the location and species of the plants proposed for the buffers.

j. The need for the amount of proposed parking has been determined by the applicant, and is based on the projected enrollment, which is supported by the applicant's records of current demand of faculty, staff, and students. On-site location of the proposed parking lots, as well as the access roadways, building footprint, athletic fields, and detention ponds have been designed to avoid fragmentation of and impacts to the site's higher functioning wetlands, as well as the designated prime wetlands and their buffers.

k. The applicant has provided an off-site alternatives analysis containing facts that support the proposed alternative. Alternatives that would require less wetland fill compared to that of the proposed site, either overlay extensive ledge with an associated high groundwater table requiring excessive blasting to transform the property; require stream crossings; are currently undergoing

development; and/or are owned by those who are not willing to sell; and therefore do not represent practicable alternatives.

l. The applicant has proposed a site design which will allow the applicant to best meet its required site needs, while maintaining the greatest possible visible buffer to its neighbors on Old Town Farm Road. DES does not have the authority to require the applicant to increase the upland woodland buffer to segregate the neighbors from the sight of the proposed high school or its associated sounds or lights.

m. Applicant has provided site plan sheet C-6, which provides a construction sequence with regards to wetland impacts, and has stated on the application that the desired project start date is October 15, 2003 with an estimated project completion date of October 2004, which is acceptable for the relative construction timing, as required by Wt 501.02(5).

n. As stated in finding 17, the applicant has provided information supporting the identified site requirements to meet accreditation standards, and provides support that the size of this proposal represents less than that of New Hampshire high schools with a comparable level of projected enrollment.

o. DES does not have the authority to review the applicant's budget for the purpose of determining what the applicant can and cannot afford.

p. DES agrees with NHF&G in that the most functionally important wetlands on-site have been prioritized for reduced impacts, with the exception of W-11 and its vernal pool. DES also agrees with the statement by NHF&G that the creation of vernal pools on the property away from the concentrated development, as proposed by the applicant, would be more successful than developing around and preserving the existing vernal pool.

45. The New Hampshire Department of Resources and Economic Development, Natural Heritage Inventory ("NHI") has identified one natural community of special concern within the project vicinity, the lower perennial riparian system, which is located to the north of the proposed project location, and includes the Fresh River, its adjacent floodplain, and wetlands. A southern finger of lower perennial riparian system encompasses prime wetland number eight (PW-8). PW-8 and its buffers are located in the northern portion of the site, and are included in the proposed conservation easement.

46. NHI has listed several rare plant populations that are commonly found within the lower perennial riparian system: *Sparganium eurycarpum* (giant bur-reed) and *Mikania scandens* (climbing hempweed). Field survey did not find these species present in the project area; if they do occur in the associated floodplains they will be encompassed and protected within the proposed easement area.

47. NHI has listed several rare animal species that are commonly found within the lower perennial riparian system: *Circus cyaneus* (Northern Harrier), *Vermivora chrysoptera* (Golden-Winged Warbler), and *Emydoidea blandingii* (Blandings turtle).

48. The applicant has evaluated the proposed site and found that there are no records of Northern Harrier breeding pairs in the vicinity of the site, as open areas on the site appear to be too small to support this species, but that migrants may pass through the area.

49. The applicant has evaluated the proposed site and found that potential Golden-Winged Warbler habitat does not exist on a majority of the property, but may exist in PW-8, an area proposed to be protected by conservation easement.

50. The applicant has evaluated the proposed site and found that potential Blandings Turtle habitat exists on-site at Wetland 11 (W-11), however no turtles were located within this potential habitat.

51. Appropriate methodologies have been accurately employed on this site by certified wetland scientists to delineate, classify, and functionally assess the wetlands on this property, and further verified by DES which found the proposal to be in accordance with the requirements Wt 301.01, Wt 301.02, Wt 302.03, and Wt 302.04. Twenty wetland systems were identified on-site, within which, thirty-eight individual wetlands were evaluated for the following functions and values: groundwater recharge/discharge, flood flow alteration, sediment/toxicant/pathogen retention, nutrient removal/retention/transformation, production export, sediment/shoreline stabilization, wildlife habitat, recreation, educational/scientific value, and uniqueness/heritage. Detailed wetland functional assessment data forms and a photographic log were supplied as supporting documentation.

52. The applicant has demonstrated that each factor listed in Wt 302.04(a) has been considered in the design of the proposed project.

53. The applicant demonstrated that all direct property line abutters, as defined in Wt 101.02, were notified by certified mail of the submission of this application to DES prior to its submission to the Exeter Town Clerk on July 8, 2003.

54. Per Wt 302.03 and Wt 302.04(a)(2), the Applicant has demonstrated avoidance and minimization of wetlands impacts and impacts to prime wetland buffers by minimizing the facility size as described in finding 17; concentrating the development among the site's lower functioning and isolated wetlands. All wetland impacts to non-isolated wetlands are proposed at the upper limits of the wetlands, so as to avoid fragmentation. The proposed site design avoids direct impacts to the designated prime wetlands and their buffers, and minimizes impact to the site's highest functioning wetlands.

55. The proposed design plan, demonstrates that there is no means of achieving the proposed site requirements on-site without impacts to wetlands.

56. Per the requirements of Wt 730.02(b), DES finds, as required under RSA 482-A:11, IV, based on clear and convincing evidence, that there will be no significant net loss of values set forth in RSA 482-A:1; the project is consistent with the purpose

specified in RSA 482-A:1; the project avoid impacts on prime wetlands, does not negatively affecting the public health or safety; and incorporates appropriate and practicable compensatory mitigation for each of the wetland functions and values of RSA 482-A:1, and each of the functions and values ranked by the municipality, that are impacted by the project. The mitigation proposed is appropriate in terms of matching the proposed benefit given the relative harm of the project, and the mitigation is practicable given the current technology available.

57. The proposed mitigation exceeds that specified in the DES draft mitigation rules by nearly double for the preservation component alone. In addition to the conservation easements, the applicant further proposes to construct two new vernal pools on-site, as well as conduct off-site wetland construction and restoration, which will be developed in full coordination with the Conservation Commission, DES, ACOE, EPA, and USFWS. Areas put into conservation easement preserve large buffer areas to both the Fresh and Little Rivers, and will via registered deed, include allowances for passive recreational activities.

58. The full impact of the high school construction as a whole is clearly beyond the scope of the direct wetlands impacts requested by the applicant, and is therefore both inappropriate and beyond the authority of RSA 482-A to regulate or deny. DES finds that the applicant has thoroughly examined the natural resources associated with this development on a comprehensive level. Technical concerns raised within the above-mentioned correspondence which are beyond the realm of the direct wetland impacts, appear to have been well addressed but are specifically regulated by other sections within DES including, but not limited to, Water Quality Engineering Section site specific review relative to storm water management, the Subsurface Systems Bureau for septic review, and the Surface Water Quality Bureau for surface water quality standards, and the Groundwater Protection Bureau for groundwater withdrawal compliance.

59. Several issues raised by the above-mentioned correspondence have been considered by DES and incorporated into permit conditions to the extent of jurisdictional ability under RSA 482-A.

60. DES finds that the public has been provided with a reasonable opportunity to comment on the proposal, per RSA 482-A:3, and that the public comments have been fully considered and addressed by DES in the issuance of this approval.

61. DES finds that fill of 188,891 square feet, or 4.33 acres of freshwater wetlands, as well as upland work adjacent to prime wetlands to construct a new 2,000-student regional high school is a project that will yield great public benefit, and will not cause or contribute to significant degradation of the waters of the state; that this project will not cause random or unnecessary destruction of wetlands; does not propose to fill wetlands achieve septic setback; that the applicant has met the requirements of Wt 302.03 and has provided documentation thoroughly and adequately considering, and responding to the project relevant factors as required in Wt 302.04(a) and (c), and thus DES grants a permit for the requested impact.

**2003-01991                      SPRUCE, SUSAN**  
**SEABROOK   Atlantic Ocean**

**Requested Action:**

Impact 2,070 square feet within a sand dune jurisdiction area for the removal of an existing residential structure, the construction of a new residential structure, and the addition of additional rocks along the property's existing rock wall in order to enhance the line of demarcation between the property and the abutting properties.

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Inspection Date: 10/15/2003 by Christina Altimari

**APPROVE PERMIT:**

Impact 2,070 square feet within a sand dune jurisdiction area for the removal of an existing residential structure, the construction of a new residential structure, and the addition of additional rocks along the property's existing rock wall in order to enhance the line of demarcation between the property and the abutting properties.

**With Conditions:**

1. All work shall be in accordance with plans by E.J. Cote dated March 18, 2003, with revisions by Thane Pearson and Earl Spruce dated November 4, 2003, as received by the Department on November 4, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.

4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
6. Stones placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those existing rocks.
7. The proposed residence shall be constructed within the footprint of the existing residence, and shall not exist in an easterly direction any further than the limits of the existing porch.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects within a sand dune jurisdiction.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03, as the proposed house will be constructed in the footprint of the existing house, and will not exist in an easterly direction further than the limits of the existing porch.
4. The NH Natural Heritage Inventory (NHNHI) has record of three state threatened plant species within the project vicinity, Sand Drop-Seed (*Sporobolus cryptandrus*), Hairy Hudsonia (*Hudsonia tomentosa*), and Tall Wormwood (*Artemisia campestris*). Also, NHNHI has record of one plant species of special concern within the project vicinity, Beach Grass (*Ammophila breviligulata*).
5. The NH Fish and Game Department (NHF&G) has record of one vertebrate species of special concern within the project vicinity, the Piping Plover (*Charadrius melodus*).
6. DES field inspection on October 15, 2003 finds that none of the NHNHI nor NHF&G identified species will be impacted as a result of this project seeing as the proposed work will not take place in the adjacent sand dune, but rather within the existing footprint of the residential structure and stone wall.
7. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this sand dune ecosystem.
8. The addition of rocks to the existing stone wall is needed to enhance the demarcation of the property line, which continually becomes covered by landward migrating sand. Without the existence of the wall, or a similar type of barrier along the eastern property line, the residence is in danger of being overtaken by the migrating sand dune.
9. DES waives the requirement to obtain written approvals from abutters whose property lines lie within 20 feet of the proposed project, as the new structure will not exist seaward of the existing structure, or the abutting structures.

**2003-02288                      PORTSMOUTH COUNTRY CLUB**  
**GREENLAND   Winnicut River**

Requested Action:

Impact 640 square feet of tidal wetlands for the restoration and stabilization of an eroded stream bank on the Winnicut River, using silt loam soils, biologs, and vegetative plantings.

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APPROVE PERMIT:

Impact 640 square feet of tidal wetlands for the restoration and stabilization of an eroded stream bank on the Winnicut River, using silt loam soils, biologs, and vegetative plantings.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated September 2003, as received by the Department on October 9, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation, erosion, turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized.

7. Planting area shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

8. Work shall be done during low flow.

9. Work on the salt marsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(b), projects within 100 feet of the highest observable tide line that alter any bank, flat, wetlands, surface water, or undeveloped uplands.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.

5. The public hearing is waived with the finding that the project impacts will not significantly impair, but rather enhance the resources of this wetland ecosystem.

**MINOR IMPACT PROJECT**

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**2002-02475                      ARLINGTON DEVELOPMENT GROUP LLC**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Approve name change to: John Rizzo, c/o Peter Rizzo, 103 Scrutton Pond Rd., Barrington NH 03825

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Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated November 23, 2002, the Rochester Conservation Commission recommended approval of the application with the following conditions: 1. Development of a mitigation plan to compensate for proposed wetlands impacts; and 2. Verification of the presence and location of vernal pools on-site, and protection of the vernal pools and their buffers via conservation easement.

APPROVE NAME CHANGE:

Fill approximately 11,520 square feet of forested and scrub-shrub wetlands to construct a roadway to provide access to a 31-lot residential subdivision on 97.06 acres. Fill approximately 165 square feet of forested and scrub-shrub wetlands to construct a driveway to access Lot 23 of the 31-lot subdivision, and fill approximately 1,055 square feet of forested wetlands to widen the road shoulder of NH Route 202A (Walnut Street). Preserve as open space a total of 37.96 acres on site, including 16.5 acres of wetlands and 21.4 acres of contiguous upland buffer.

With Conditions:

1. All work shall be in accordance with the following plans by Norway Plains Associates, Inc.:

a. The Overall Wetlands Plan and the Detailed Wetland Crossings Plan dated November 2002 and last revised April 18, 2003, as received by the Department on April 23, 2003;

b. The Overall Subdivision Plan (Sheet 2) and the Drainage, Erosion and Sedimentation Control Details (Sheet 13) dated August 2002, as received by the Department on February 12, 2003; and

c. The Road Plan and Profiles (Sheets 6-8) and the Grading, Erosion, and Sedimentation Control Plan (Sheet 10) dated August

2002 and revised January 17, 2003, as received by the Department on February 12, 2003.

2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. Work shall be conducted during low flow.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Stone aprons shall be installed at culvert outlets where appropriate to dissipate flow velocities and prevent scour and erosion.
12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Open Space Preservation:

18. This permit is contingent upon the preservation as open space of 37.96 acres, including 16.5 acres of wetlands and 21.4 acres of contiguous upland buffer, as depicted on the Overall Subdivision Plan by Norway Plains Associates, Inc. dated August 2002, as received by the Department on February 12, 2003.
19. The use limitations and restrictions to be placed on the open space areas, as referenced in Note #5 of the Overall Subdivision Plan by Norway Plains Associates, Inc. dated August 2002, as received by the Department on February 12, 2003, shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.
20. The plan noting the open space areas and the use limitations and restrictions shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau within sixty (60) days of certification of the subdivision plans by the City of Rochester Planning Board.
21. The deed which accompanies the sales transaction for each lot in this subdivision which abuts an open space area shall contain a description of the open space area including location and use limitations and restrictions.
22. All open space areas located within fifty (50) feet of roadway construction shall be temporarily marked by monuments [stakes] prior to construction and maintained during construction to prevent accidental encroachment in the open space areas.
23. All open space areas shall be permanently marked by monuments [stakes] prior to any activity on individual house lots.
24. Signs to indicate the location of and the use limitations and restrictions on the open space areas shall be posted every 150 feet along the boundaries of the open space areas that abut the subdivision roadway.
25. Activities in contravention of the open space use limitations and restrictions shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

Requested Action:

Dredge and fill approximately 5,604 square feet of forested wetlands and a perennial stream to construct a roadway to provide access to a 16-lot residential subdivision on approximately 34 acres. Fill approximately 3,329 square feet of forested wetlands to construct driveways to provide access to two lots within the 16-lot subdivision. Preserve approximately 3.01 acres of contiguous upland buffer on site as compensatory mitigation for permanent wetlands impacts.

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Conservation Commission/Staff Comments:

No comments received from the Sandown Conservation Commission.

APPROVE PERMIT:

Dredge and fill approximately 5,604 square feet of forested wetlands and a perennial stream to construct a roadway to provide access to a 16-lot residential subdivision on approximately 34 acres. Fill approximately 3,329 square feet of forested wetlands to construct driveways to provide access to two lots within the 16-lot subdivision. Preserve approximately 3.01 acres of contiguous upland buffer on site as compensatory mitigation for permanent wetlands impacts.

With Conditions:

1. All work shall be in accordance with the following plans:
  - a. the Lot Line Adjustment & Subdivision Plan (Sheets S1 & S2), and the Topographic Subdivision Plan (Sheets S3 & S4) by Promised Land Survey, LLC and Sublime Civil Consultants, Inc. dated March 26, 2003 and revised July 10, 2003, as received by the Department on August 6, 2003;
  - b. the Roadway Plan & Profile (Sheet P1) and the Drainage and Erosion Control Details (Sheet D2) by Sublime Civil Consultants, Inc. dated March 26, 2003 and revised July 10, 2003, as received by the Department on August 6, 2003; and
  - c. the Overall Plan (Sheet S5), the Roadway Plan & Profile (Sheet P2) and the Driveway Profiles (Sheet P4) by Sublime Civil Consultants, Inc. dated March 26, 2003 and revised October 3, 2003, as received by the Department on October 16, 2003; and
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Sandown Conservation Commission of the date project construction is proposed to begin.
9. Work shall be conducted during low flow conditions.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to

isolate the substructure work area from the surface waters.

14. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.

15. Temporary cofferdams shall be entirely removed immediately following construction.

16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

18. Proper headwalls shall be constructed within seven days of culvert installation.

19. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.

20. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

21. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

24. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

#### Compensatory Mitigation:

25. This permit is contingent upon preservation, through execution of a deed restriction, of approximately 3.01 acres of no-cut upland buffers, as depicted on the Overall Plan (Sheet S5) by Sublime Civil Consultants, Inc. dated March 26, 2003 and revised October 3, 2003, as received by the Department on October 16, 2003.

26. The deed restrictions to be placed on the no-cut upland buffer areas shall be written to run with the land, and both existing and future property owners shall be subject to the restrictions.

27. The plan noting the no-cut upland buffer areas with a copy of the final deed restriction language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

28. The no-cut upland buffer areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

29. The Wetlands Bureau shall be notified of the placement of the no-cut upland buffer area monuments to coordinate on-site review of their location prior to construction.

30. There shall be no removal of the existing vegetative undergrowth within the no-cut upland buffer areas and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

31. Activities in contravention of the deed restriction shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.

2. On March 1, 2000 the NHDES Wetlands Bureau issued Wetlands and Non-Site Specific Permit No. 1999-01750 authorizing 15,289 square feet of permanent wetlands disturbance for construction of a forest road on the site. According to information submitted to the Wetlands Bureau, only 8,084 square feet of the authorized wetlands impacts were actually constructed. Therefore, the total area of wetlands disturbance on site, including proposed and previously constructed impacts, totals 17,017 square feet.

3. To minimize wetlands impacts, the subdivision roadway will be constructed predominantly within the alignment of the existing forest road constructed in accordance with Wetlands and Non-Site Specific Permit No. 1999-01750.

4. At the recommendation of the NHDES Wetlands Bureau, the applicant shifted the alignment of the proposed driveway on Lot 40-15 further north to cross a wetland that had been previously disturbed (cut and rutted) as a result of forestry activities on site. Although the revised driveway alignment will result in 755 square feet of additional wetlands impacts, the Department finds that the additional area of impact is justified as the driveway will avoid an undisturbed area of forested wetlands.

5. To compensate for 8,933 square feet of proposed wetlands impacts and 8,084 square feet of previous wetlands disturbance, as



authorized under Wetlands and Non-Site Specific Permit No. 1999-01750, the applicant will preserve through deed restrictions approximately 3.01 acres of no-cut upland buffer on site.

6. The NHDES Wetlands Bureau received no comments from the Sandown Conservation Commission.

7. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.

8. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

9. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

10. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

**2003-00879**

**FREMONT PIZZERIA**

**FREMONT Unnamed Wetland**

**Requested Action:**

Fill approximately 3,660 square feet of scrub-shrub wetlands to construct a parking lot associated with expansion of an existing restaurant, and dredge and fill approximately 200 square feet within the bed and banks of an intermittent stream to install a utility line and construct a driveway to provide utility construction and maintenance access.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

No comments received from the Fremont Conservation Commission.

**APPROVE PERMIT:**

Fill approximately 3,660 square feet of scrub-shrub wetlands to construct a parking lot associated with expansion of an existing restaurant, and dredge and fill approximately 200 square feet within the bed and banks of an intermittent stream to install a utility line and construct a driveway to provide utility construction and maintenance access.

**With Conditions:**

1. All work shall be in accordance with the Dredge and Fill Plan (Sheets 1 & 2 of 2) by V.W. Dingman & Sons dated February 25, 2003 and revised August 8, 2003, as received by the Department on October 23, 2003.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

4. Work shall be conducted during low flow conditions.

5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

6. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

8. Proper headwalls shall be constructed within seven days of culvert installation.

9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than

20,000 square feet of alteration in nontidal wetlands and surface waters.

2. On April 18, 1997 the NHDES Wetlands Bureau issued Wetlands and Non-Site Specific Permit No. 96-01377 authorizing 4,625 square feet of fill in scrub-shrub wetlands and an intermittent stream on site for parking lot construction and utility construction and maintenance access. Construction authorized under Permit No. 96-01377 never occurred.

3. The current proposal will reduce wetland impacts by approximately 765 square feet when compared to wetlands impacts authorized by the NHDES Wetlands Bureau under Permit No. 96-01377. 4. The NHDES Wetlands Bureau received no comments from the Fremont Conservation Commission nor the Exeter River Local Advisory Committee.

5. The need for the proposed impacts has been demonstrated by the applicant, per Rule Wt 302.01.

6. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

7. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02134                      DICEY, KENDALL**  
**KEENE   Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 7,000 square feet of wet meadow to provide access to a single family residence

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Conservation Commission expressed concerns for the long term stability of the project and how the local hydrology will be affected.

Inspection Date: 09/16/2003 by Jeffrey D Blecharczyk

**APPROVE PERMIT:**

Dredge and fill approximately 7,000 square feet of wet meadow to provide access to a single family residence

**With Conditions:**

1. All work shall be in accordance with plans by Forest Designs dated September 2, 2003, as received by the Department on September 22, 2003.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Work shall be done during low flow.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.

7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.

8. No fill shall be done for lot development.

9. No fill shall take place in Atlantic white cedar swamps.

10. Proper headwalls shall be constructed within seven days of culvert installation.

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal wetlands.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 16, 2003. Field inspection determined there is no alternative location to provide access.
6. The Department has determined the project will not adversely effect the environment.
7. The Department has determined the project design provides sufficient potential for accommodating the hydrology on site.
8. The project is designed for minimal disturbance to the existing soils and topography through use of a geo textile membrane designed to support and disperse the impacts from driveway construction.

## MINIMUM IMPACT PROJECT

\*\*\*\*\*

**2002-01215                      MINICKIELLO, THOMAS**  
**CHARLESTOWN   Drainage Ditch**

### Requested Action:

Fill approximately 800 square feet of a jurisdictional drainage ditch and install 80 linear feet of 15" culvert

\*\*\*\*\*

### Conservation Commission/Staff Comments:

Conservation Commission requested either restoration or permitting of the project. Project was conducted in 1995.

### APPROVE PERMIT:

Fill approximately 800 square feet of a jurisdictional drainage ditch and install 80 linear feet of 15" culvert

### With Conditions:

1. The applicant shall be responsible for the maintenance, repair and replacement of the culvert.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

### With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of non-tidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01129                      TOD, G ROBERT/JOANN**  
**ALTON   Lake Winnepesaukee**

### Requested Action:

Reset (2) rocks on an existing 40 linear ft breakwater, and reset (1) rock on 30 linear ft of existing riprap adjacent to an existing 2 slip 40 ft x 70 ft dug-in boathouse on an average of 375 ft of frontage on Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Locus shown on USGS map doesn't match Alton tax map 18.

Con. Com. had concerns about project as the structure is different than the plans.

Regina Nadeau is now acting counsel for Tod property.

APPROVE PERMIT:

Reset (2) rocks on an existing 40 linear ft breakwater, and reset (1) rock on 30 linear ft of existing riprap adjacent to an existing 2 slip 40 ft x 70 ft dug-in boathouse on an average of 375 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 14, 2003, as received by the Department on September 11, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
6. Repair shall maintain existing size, location and configuration.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. DES recognizes the stamped, surveyed plan by White Mountain Survey, Co. dated August 19, 2003, as received by the Department on October 31, 2003, as the plan of record for the structures on the property.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. DES Staff conducted a field inspection of the proposed project on October 30, 2003. Field inspection determined the application to be approvable.

**2003-02026 KALMAN, GERDA**  
**KINGSTON Mill Pond**

Requested Action:

Temporarily impact 2650 sqft to dredge and fill from the bank and bed of Mill Pond to install a dry hydrant, Kingston.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No Con Com comments recieved by Nov 3, 2003

APPROVE PERMIT:

Temporarily impact 2650 sqft to dredge and fill from the bank and bed of Mill Pond to install a dry hydrant, Kingston.

With Conditions:

1. All work shall be in accordance with plans by Sublime Civil Consultants Inc. dated June 5, 2003, as received by the Department on September 8, 2003.
2. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
3. Temporary cofferdams shall be entirely removed immediately following construction.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m).

**2003-02127                      ST ANSELM COLLEGE**  
**GOFFSTOWN   Unnamed Wetland**

Requested Action:

Relocate approximately 1,449 square feet of a palustrine emergent drainage ditch and construct a new grassed lined ditch to provide additional parking at Benedict Court

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission requested DES place a hold on the application as of September 19, 2003.

No comments received by DES from the Conservation Commission as of November 4, 2003.

APPROVE PERMIT:

Relocate approximately 1,449 square feet of a palustrine emergent drainage ditch and construct a new grassed lined ditch to provide additional parking at Benedict Court

With Conditions:

1. All work shall be in accordance with plans by TFMoran Inc. dated August 5, 2003, as received by the Department on September 18, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of jurisdictional nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined the new ditch construction is approvable and will not have an adverse impact on the environment.
6. The use of an upland seed mix will create a grassed lined swale and therefore the Department has determined this project does not constitute a wetland mitigation proposal as shown on the approved plans.
7. The Department on November 4, 2003, clarified the project design with the agent stating this was not to be considered a wetland mitigation project.
8. Under the proposed wetland mitigation rules this project would not require mitigation as an approval condition.

**2003-02136 SCHNEIDER, FREDERICK & DENISE**  
**GREENLAND Great Bay**

Requested Action:

Approve after-the-fact an impact of approximately 170 square feet of developed upland tidal buffer zone for the construction of an above-ground hot tub on a concrete slab.

\*\*\*\*\*

APPROVE AFTER THE FACT:

Approve after-the-fact an impact of approximately 170 square feet of developed upland tidal buffer zone for the construction of an above-ground hot tub on a concrete slab.

With Conditions:

1. All work shall be in accordance with the plan by Durgin, Verra & Associates, Inc. dated December 3, 1993, with unsigned revisions by Denise Schneider, as received by DES on October 17, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects within previously developed upland areas within 100 feet of the highest observable tide line.
2. The NH Natural Heritage Inventory (NHNHI) has record of one state threatened plant species within the project vicinity, Marsh Elder (*Iva frutescens*).
3. DES review of this application finds that the hot tub was constructed in a previously developed upland area, and therefore does not directly impact the NHNHI identified plant species.
4. DES that this project would have been approvable if properly applied for prior to construction.

**FORESTRY NOTIFICATION**

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**2003-02172                      BEDELL, THOMAS**  
**MONROE   Unnamed Stream**

COMPLETE NOTIFICATION:  
MOnroe Tax Map U1, Lot# 60

**2003-02329                      MILES, PETER**  
**NEWBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Newbury Tax Map 44, Lot# 562

**2003-02396                      CHRISTIE, COLIN**  
**JEFFERSON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Jefferson Tax Map 2, Lot# 33

**2003-02416                      FURBUSH, MELVIN**  
**WARNER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Warner Tax Map 12, Lot# 44-1

**2003-02422                      KAVADIAS, STEVE & REGINA**  
**HENNIKER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Henniker Tax Map 1, Lot# 662

## EXPEDITED MINIMUM

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**2002-02713                      SAMPSON, NICHOLAS**  
**MEREDITH   Lake Winnisquam**

Requested Action:  
Install a 6 ft x 40 ft seasonal pier and construct a 6 ft x 14 ft walkway to 2.5 ft wide stairs to the water on 100 ft of frontage on Lake Winnisquam.

\*\*\*\*\*

APPROVE PERMIT:  
Install a 6 ft x 40 ft seasonal pier and construct a 6 ft x 14 ft walkway to 2.5 ft wide stairs to the water on 100 ft of frontage on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 22, 2003, as received by the Department on October 24, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04 (a), installation of a 2-slip seasonal pier.

**2003-00873                      WOLFEBORO, TOWN OF**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Replace existing 12 ft x 22 ft concrete boat ramp with a 14 ft x 28 ft concrete boat ramp adjacent to an existing 10 ft x 29 ft dock on an average of 225 ft of frontage on Winter Harbor, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Digitized from tax map.

Con. Com. signed application.

APPROVE PERMIT:

Replace existing 12 ft x 22 ft concrete boat ramp with a 14 ft x 28 ft concrete boat ramp adjacent to an existing 10 ft x 29 ft dock on an average of 225 ft of frontage on Winter Harbor, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by George Phinney dated October 8, 2003, as received by the Department on November 4, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Any removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), projects deemed minimum impact by the department based on degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.



3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project is necessary to protect the public health and safety.

**2003-01547                      GREENLAND, TOWN OF**  
**GREENLAND   Unnamed Stream**

Requested Action:

Continued maintenance of municipal drainage system by the Department of Public Works, which involves cleaning out culverts, replacing damaged culverts, repairing headwalls and riprap where necessary, and minimal dredging with no new culverts proposed.

\*\*\*\*\*

APPROVE PERMIT:

Continued maintenance of municipal drainage system by the Department of Public Works, which involves cleaning out culverts, replacing damaged culverts, repairing headwalls and riprap where necessary, and minimal dredging with no new culverts proposed.

With Conditions:

1. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
2. Orange construction fencing shall be placed at the limits of construction; siltation/erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. All work to be done in-kind, within original bounds of the constructed project, per Rule Wt 303.04(k).
4. Work at the following locations is excluded from this approval due to the proximity to the saltmarsh: drainage easements running between Great Bay Drive East (lots 19 & 20), Caswell Drive (lots 41 & 42, 36 & 37), Bay Shore Drive (lots 6 & 7, 15 & 16, 18 & 19 & 20), Fairview Terrace (lots 13 & 14), Bayview Terrace (lots 8 & 9), and off Meadow Lane (across lot 35). Work at the above locations is classified as a minor impact and shall require a request to amend the permit and shall include detailed plans.
5. Work proposed to be done at locations on Interstate 95 within the jurisdiction of the N.H. Department of Transportation are excluded from this permit.

With Findings:

1. This is a minimum impact project per Rule Wt 303.04(k).
2. This project is necessary to continue to allow for adequate processing of stormwater runoff in the Town of Greenland.

**2003-01920                      GOODRICH, CLARKE**  
**CENTER BARNSTEAD   Upper Suncook Lake**

Requested Action:

Repair an existing retain wall consisting of a 21 ft section and a 18 ft section bisected by 6 ft wide steps on 3824 ft of frontage on Upper Suncook Lake, Barnstead.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Expedited Application

APPROVE PERMIT:

Repair an existing retain wall consisting of a 21 ft section and a 18 ft section bisected by 6 ft wide steps on 3824 ft of frontage on Upper Suncook Lake, Barnstead.

With Conditions:

1. All work shall be in accordance with plans by Clarke Goodrich dated August 11, 2003, as received by the Department on August

27, 2003.

2. Area shall be regraded to original contours following completion of work.
3. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Repair shall maintain existing size, location and configuration.
5. Work shall be done during drawdown.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(c).

**2003-02064                      CONCORD, CITY OF**  
**CONCORD   Merrimack River**

Requested Action:

Dredge and fill along 9-linear feet of the bank of the Merrimack River to replace an existing stone culvert headwall with a new 4 foot x 4 foot precast headwall.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Concord Conservation Commission Signed this minimum impact expedited application form.

APPROVE PERMIT:

Dredge and fill along 9-linear feet of the bank of the Merrimack River to replace an existing stone culvert headwall with a new 4 foot x 4 foot precast headwall.

With Conditions:

1. All work shall be in accordance with plans by the City of Concord, as received by the Department on September 12, 2003.
2. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All work shall be conducted during low flow conditions and in a manner so as to minimize siltation, erosion, and turbidity. Work shall occur during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to the start of work, shall be maintained during construction, and shall remain until the area is stabilized.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. All work shall be in accordance with the Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), maintenance, repair or replacement of culverts and their associated headwalls.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.

**2003-02166                      HOLLINGSWORTH, BEVERLY**  
**HAMPTON   Tidal Buffer Zone**

Requested Action:

Impact 800 square feet within the developed upland tidal buffer zone for the decommissioning of an existing septic cistern, and the installation of a new pump and sewer line that will connect to the municipal sewer system of Hampton.

\*\*\*\*\*

APPROVE PERMIT:

Impact 800 square feet within the developed upland tidal buffer zone for the decommissioning of an existing septic cistern, and the installation of a new pump and sewer line that will connect to the municipal sewer system of Hampton.

With Conditions:

1. All work shall be in accordance with plans by The H.L. Turner Group, Inc. dated September 23, 2003, as received by the Department on September 26, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Area shall be regraded to original contours following completion of work.
4. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering any surface water.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects within the previously developed upland tidal buffer zone.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Each of the abutters whose property lines exist within 20 feet of the proposed improvements have provided their written approvals.
6. The NH Natural Heritage Inventory (NHNHI) has record of one species of special concern within the project vicinity, Beach Grass (*Ammophila breviligulata*). DES review of this application finds that the NHNHI identified species will not be negatively impacted as a result of the project.

**2003-02225                      ALLEN, JOHN & URSALA**  
**GILMANTON IRON WORKS   Unnamed Wetland**

Requested Action:

Dredge and fill 20 square feet, and impact 112 square feet within the bank of an unnamed marsh for the installation of an 8 foot x 14 foot observation deck overhanging the marsh by 4.5 feet for educational purposes.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Gilmanton Conservation Commission signed this minimum impact application form.

**APPROVE PERMIT:**

Dredge and fill 20 square feet, and impact 112 square feet within the bank of an unnamed marsh for the installation of an 8 foot x 14 foot observation deck overhanging the marsh by 4.5 feet for educational purposes.

**With Conditions:**

1. All work shall be in accordance with plans titled Observation Deck Cogswell Mountain Conservation Area by Chet Tasse, as received by the Department on September 30, 2003.
2. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All work shall be conducted during low flow conditions and in a manner so as to minimize siltation, erosion, and turbidity.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to the start of work, shall be maintained during construction, and shall remain until the area is stabilized.
5. The floor decking shall be spaced 3/4 of an inch apart to maintain natural light under the deck to preserve the vegetated bank.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Wt 303.03 or Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02232                      KAHN, LOUIS**  
**MEREDITH   Unnamed Pond**

**Requested Action:**

Maintenance dredge a total of 1910 square feet of existing farm pond.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

The conservation commission signed this minimum impact application form.

**APPROVE PERMIT:**

Maintenance dredge a total of 1910 square feet of existing farm pond.

**With Conditions:**

1. All work shall be in accordance with plans by Lewis Kahn dated September 11, 2003, as received by the Department on October 3, 2003.
2. Any further alteration of areas on the Property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All work shall be conducted during low flow conditions and in a manner so as to minimize siltation, erosion, and turbidity.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to the start of work, shall be maintained during construction, and shall remain until the area is stabilized.
6. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. Dewatering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner.
7. Dredge spoils shall be placed outside of wetlands jurisdiction.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or

netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredging, when necessary to provide continued usefulness, of nontidal drainage ditches, plugged culverts, man-made ponds, spillways, and channels provided that:
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02257**

**BORGIA, JOHN**

**RYE Atlantic Ocean**

Requested Action:

Impact 6,504 square feet of developed upland tidal buffer zone for the replacement of an existing single-family residence, construction of a landscaped retaining wall to tie in to an existing abutting retaining wall, and associated grading.

\*\*\*\*\*

APPROVE PERMIT:

Impact 6,504 square feet of developed upland tidal buffer zone for the replacement of an existing single-family residence, construction of a landscaped retaining wall to tie in to an existing abutting retaining wall, and associated grading.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated August 2003, with revisions dated September 16, 2003, as received by the Department on October 6, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Natural Heritage Inventory (NHNHI) has record of two state threatened plant species within the project vicinity, Sand Drop-Seed (*Sporobolus cryptandrus*) and Hairy Hudsonia (*Hudsonia tomentosa*). Also, NHNHI has record of one plant species of special concern within the project vicinity, Beach Grass (*Ammophila breviligulata*).
6. DES review of this application finds the NHNHI identified species do not exist on the property, and will therefore not be impacted.

**2003-02258**

**NOONE, KEVIN & ANNE**

**GILMANTON IRON WORKS Crystal Lake**

Requested Action:

Excavate 24 sq ft behind full lake elevation to construct a 4 ft by 6 ft concrete pad with a 6 ft by 30 ft seasonal dock on Crystal Lake, Gilmanton Iron Works.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Excavate 24 sq ft behind full lake elevation to construct a 4 ft by 6 ft concrete pad with a 6 ft by 30 ft seasonal dock on Crystal Lake, Gilmanton Iron Works.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on October 7, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
7. The concrete pad shall be located entirely located behind the natural undisturbed shoreline.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a).

**2003-02260**

**ALTSCHULER, SCOTT**

**ALTON Lake Winnepesaukee**

Requested Action:

Repair an existing 8 ft by 16 ft crib supporting a 8 ft by 32 ft permanent dock connected to a 6 ft by 33 ft 4 in seasonal dock by a 8 ft by 36 ft wharf over the bank on 100 ft of frontage on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 8 ft by 16 ft crib supporting a 8 ft by 32 ft permanent dock connected to a 6 ft by 33 ft 4 in seasonal dock by a 8 ft by 36 ft wharf over the bank on 100 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated September 4, 2003, as received by the Department on October 8, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
7. This permit does not allow for maintenance dredging.
8. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
9. Repairs shall maintain existing size, location and configuration.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).

**2003-02280                      AUTHIER, FERNAND**  
**CANTERBURY   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 1390 square feet of forested wetland and install 2 culverts further described as follows: Impact 610 square feet to install a 30-inch x 54 foot culvert with associated rip-rap to upgrade the existing Ayers Road Right of Way; and impact 780 square feet to install an 18-inch x 25 feet for driveway access to a single family building lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact expedited application form.

APPROVE PERMIT:

Dredge and fill a total of 1390 square feet of forested wetland and install 2 culverts further described as follows: Impact 610 square feet to install a 30-inch x 54 foot culvert with associated rip-rap to upgrade the existing Ayers Road Right of Way; and impact 780 square feet to install an 18-inch x 25 feet for driveway access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Blue Moon Environmental dated September 2003, as received by the Department on October 8, 2003.
2. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All work shall be conducted during low flow conditions and in a manner so as to minimize siltation, erosion, and turbidity.
4. Orange construction fencing shall be placed along wetland boundaries when wetlands are within 25 feet of the proposed construction workspace to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to the start of work, shall be maintained during construction, and shall remain until the area is stabilized.
6. Proper headwalls shall be constructed within two days of culvert installation.
7. Culvert outlets shall be properly rip-raped.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. All work shall be in accordance with the Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02281                      MCHARG, PATRICK**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Repair existing dock and supporting cribbing on an existing docking structure consisting of a 8 ft by 47 ft 7 in dock supported by a 8 ft by 43 ft crib connected to a 7 ft 9 in by 44 ft 7 in dock supported by a 2 ft by 43 ft crib by a 9 ft by 21 ft walkway on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Repair existing dock and supporting cribbing on an existing docking structure consisting of a 8 ft by 47 ft 7 in dock supported by a 8 ft by 43 ft crib connected to a 7 ft 9 in by 44 ft 7 in dock supported by a 2 ft by 43 ft crib by a 9 ft by 21 ft walkway on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated September 11, 2003, revision date November 4, 2003, as received by the Department on November 4, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
10. Repair shall maintain existing size, location and configuration.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).

**2003-02291                      HATFIELD, TIMOTHY & KAREN**  
**MIDDLETON   Unnamed Wetland**



Requested Action:

Dredge and fill 750 square feet of palustrine forested wetlands and install a 15" x 25' culvert to provide access to one lot of a 3-Lot subdivision

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APPROVE PERMIT:

Dredge and fill 750 square feet of palustrine forested wetlands and install a 15" x 25' culvert to provide access to one lot of a 3-Lot subdivision

With Conditions:

1. All work shall be in accordance with plans by Great East Land Survey Co., as received by the Department on October 10, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be done during low flow.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of jurisdictional nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02292                      MCCARTHY, RYAN**  
**GOFFSTOWN   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 700 square feet of palustrine forested wetlands and install a 30" x 24' culvert to provide access to a single family residence

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APPROVE PERMIT:

Dredge and fill approximately 700 square feet of palustrine forested wetlands and install a 30" x 24' culvert to provide access to a single family residence

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated May 17, 2001, as received by the Department on October 10, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done for lot development.
8. No fill shall take place in Atlantic white cedar swamps.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to provide access for a single family residence.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02305                      THEOBALD, EDWARD**  
**RYE   Berry Brook/seaveys Creek**

Requested Action:

Maintenance dredge 7500 square feet of a man-made pond to remove the invasive species, *Phragmites australis*, and to restore the fire pond to its original depth, approximately 6-7 feet.

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APPROVE PERMIT:

Maintenance dredge 7500 square feet of a man-made pond to remove the invasive species, *Phragmites australis*, and to restore the fire pond to its original depth, approximately 6-7 feet.

With Conditions:

1. All work shall be in accordance with plans by Edward Theobald dated October 18, 2003, as received by the Department on October 14, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau. Care shall be taken to dispose of spoils containing invasive plant species in a manner that does not result in the further spread of the species.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredging to provide continued usefulness of man-made ponds provided that work is done within the original bounds of a legally constructed project.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Natural Heritage Inventory (NHNHI) has record of one natural community of special concern within the project vicinity, Gulf of Maine Salt Marsh. DES review of this application finds that the proposed project exists outside of the bounds of the NHNHI identified Gulf of Maine Salt Marsh.

**TRAILS NOTIFICATION**

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**2003-02383                      BEAVER BROOK FOREST LLC, C/O ROBERT BRADBURY**  
**NEW DURHAM   Unnamed Stream**

COMPLETE NOTIFICATION:

New Durham Tax Map/Lot# 10/59, 16/3 & 4, 16/1

**2003-02384                      DRED - TRAILS BUREAU**  
**HILLSBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:

Hillsboro Low State Forest owned by DRED

**LAKES-SEASONAL DOCK NOTIF**

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**2003-02411                      HALLBERG, RICHARD & MARJORIE**  
**BRIDGEWATER   Newfound Lake**

COMPLETE NOTIFICATION:

Bridgewater Tax Map 109, Lot# 3 Newfound Lake

**2003-02412                      BROWN, KENNETH & SUSAN**  
**HARRISVILLE   Skatutakee Lake**

COMPLETE NOTIFICATION:

Harrisville Tax Map 21, Lot# 19 Skatutakee Lake

**2003-02413                      KEIVER, ROBERT & PAT  
HOLDERNESS   Big Squam**

COMPLETE NOTIFICATION:  
Holderness Tax Map 3B, Lot# 45 Big Squam

**ROADWAY MAINTENANCE NOTIF**

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**2003-00848                      SALEM, TOWN OF  
SALEM   Roadside Ditch**

**2003-01069                      LONDONDERRY, TOWN OF  
LONDONDERRY   Unnamed Wetland**

**2003-01079                      NH DEPT OF TRANSPORTATION, DICTRICT 6  
STRAFFORD   Unnamed Stream**

**2003-01098                      NH DEPT OF TRANSPORTATION, DISTRICT 6  
SOMERSWORTH   Unnamed Stream**

**2003-01102                      BRADFORD, TOWN OF  
BRADFORD   Unnamed Stream**

Conservation Commission/Staff Comments:  
No USGS map. Digitized as best guess from computer maps at too small scale.

**2003-01173                      MARGESON, JOHN  
HENNIKER   Unnamed Stream**

**2003-01316**                      **NH DEPT OF TRANSPORTATION, DISTRICT ONE**  
**JEFFERSON**   **Unnamed Stream**

**2003-01317**                      **NH DEPT OF TRANSPORTATION DISTRICT ONE**  
**NORTHUMBERLAND**   **Unnamed Stream**

**2003-01318**                      **NH DEPT OF TRANSPORTATION, DISTRICT 6**  
**NORTHWOOD**   **Unnamed Stream**

**2003-01319**                      **NH DEPT OF TRANSPORTATION, DISTRICT ONE**  
**LANCASTER**   **Unnamed Stream**

**2003-01320**                      **NH DEPT OF TRANSPORTATION, DISTRICT ONE**  
**NORTHUMBERLAND**   **Unnamed Stream**

**2003-01331**                      **NH DEPT OF DOT, DISTRICT 2**  
**PLAINFIELD**   **Unnamed Stream**

**2003-01387**                      **NH DEPT OF TRANSPORTATION, DISTRICT 4**  
**HARRISVILLE**   **Unnamed Wetland**

**2003-01540**                      **NH DEPT OF TRANSPORTATION, DISTRICT 2**  
**BOSCAWEN**   **Unnamed Stream**

**2003-02409**                      **NH DEPT OF TRANSPORTATION, NHDOT DIST 3**  
**BELMONT**   **Drainage Ditch**

